

REMARKS

The Final Office Action mailed March 3, 2009 has been reviewed and reconsideration of the above-identified application in view of the following amendments and remarks, is respectfully requested

Claims 1-16 are pending and stand rejected.

Claims 1, 4-7, 9, 15 and 16 have been amended. Claim 8 has been cancelled.

Claims 1 and 16 are independent claims.

Claims 1-16 stand rejected under 35 USC 103(a) as being unpatentable over Eichenlaub (USP no. 5, 349, 379) in view of Balogh (USP no. 2003/0058209).

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, to present the subject matter claimed in better form, claim 1 has been amended to further recite the element of thin parallel control electrodes that are skewed with respect to the light intensity modulators such that the control electrodes extend under a plurality of the light intensity modulators. No new matter has been added. Support for the amendment may be found that least in Figure 8, on page 7, lines 7-11, and partially in claim 9.

In rejecting the subject matter of claim 9, the Office Action refers to Balogh for disclosing an array of LEDs in source light 10 of Figure 19 and in Figures 1 and 2 wherein the source light S and the center of the pixels P are skewed.

A review of the teaching of Balogh reveals that Balogh teaches that a plurality of sources S1, ... Sn may illuminate a single pixel or that a single source, e.g., S3, may illuminate a plurality of pixels. In either case, the distance that a source is from a single pixel or the distance that a pixel is from a single source is dependent upon the pixel/source configuration.

However, this differing distance measure is not comparable to the skewing of the control electrodes with respect to the light intensity modulators to cause the control electrodes to lay under a plurality of light intensity modulators, as is recited in the claims.

In this case, the physical skewing of the control electrodes enables the electrodes in one string to illuminate modulators within different stings. This is contrary to the teachings of Balogh, which teaches that the sources and pixels are within the same plane so as to allow multiple sources to illuminate a single pixel (see Figure 1).

Hence, the combination of Eichenlaub and Balogh fails to disclose the skewing of the control electrodes in a manner to causes the control electrodes to pass under a plurality of light intensity modulators, as is now recited in the claims.

A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

In this case, a *prima facie* case of obvious has not been met as the combination of the cited reference fails to teach or suggest the element of slewing the control electrodes to cause the control electrodes to lie under a plurality of light intensity modulators, as is recited in the claims.

For the amendments made to the claims, applicant submits that the reason for the rejection of independent claims 1 and 16 has been overcome and respectfully requests that the rejection be withdrawn.

With regard to the remaining claims, these claims depend from independent claim 1 and, hence, also include subject matter not disclosed by the cited reference.

For the amendments made to the claims and for the remarks made herein, applicant submits that the reason for the rejection of all the claims has been overcome and respectfully requests that the rejection be withdrawn.

EXPEDITED PROCEDURE

Amendment
Serial No. 10/566, 548

Docket No. GB 030127 US

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone given below.

No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,
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Date: April 20, 2009

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